

REMARKS

Claim Status

Claims 1-5 and 19-23 are pending. Claims 6 -18 are canceled.

Claim Objections

The Examiner objected to claim 4 because it contained the following unidentified acronym: ISND. The acronym has been properly identified in the claim. Applicant respectfully requests that the Examiner remove this objection.

Claim Rejections - 35 USC 103(a)

Claims 1-6 and 19-23 are rejected under 35 USC 103(a) as being unpatentable over Britt (6,226,517) in view of Slutsman et al. (6,0588,313). Applicants respectfully traverse this rejection for at least the reasons stated below.

Claims 5-6 and 22-23 are rejected under 35 USC 103(a) as being unpatentable over Britt (6,226,517) in view of Slutsman et al. (6,0588,313) and in further view of Mazzarella et al. (6,819,921). Applicants respectfully traverse this rejection for at least the reasons stated below.

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The Examiner states that with regard to independent claims 1 and 19, Britt discloses all the claim elements except for Britt does not disclose “triggering a third query from the central node to the number portability database for the routing information if the second query fails to provide the routing.”

The Examiner states that With regard to the element “triggering a third query from the central node to the number portability database for the routing information if the second query fails to provide the routing,” that Slutsman discloses this element.

Moreover, the Examiner states with regard to claims 5-6 and 22-23 Mazzarella discloses porting the number and minimizing call delays for calls occurring in one or more wireless networks. This simply is not so.

Britt states “For example, the LOCREQ query is given preference, the O-MS-C keeps statistics of the number of LOCREQs sent to the HLR for DN’s within a particular number series. The O-MS-C also keeps count of the number of HLR response that indicate that the DN is unassigned. When the number of unassigned responses exceeds a threshold such as, for example 50 percent, the preference for that number series is changed to give precedence to NPREQ queries. At steps 29 and 30, the O-MS-C then keeps a statistical counter of the number of queries sent and the number of error results returned by the alternate query. At step 31, the method may also utilize a hysteresis value to prevent excessive oscillations of the preference parameter. In this step, it is determined whether or not a preset statistical threshold of returned error messages plus a hysteresis value has been exceeded. For example, a hysteresis value of 5 percent may be added to the 50 percent example used above, creating a new old value of 55 percent. If the new error threshold is not exceeded, the method returns to step 28 and continues to send the alternate query first. However, if the new error threshold is exceeded, the method returns to step 24 where the alternate preference is overwritten, and the method begins sending the default query first.” The Examiner has not viewed the claimed invention as a whole – even prior to amendment. The claims when viewed as a whole stated that the central node was coupled to a NPDB. In the claims, there are no error messages received, the claims simply move from one step to another.

Moreover, in the amended claims, the communication system comprises a plurality of networks, each having different technology. This is not addressed by Britt. The Examiner has gathered references from similar fields of endeavor to try to duplicate Applicant’s claimed invention. However, as stated previously, the examiner has not viewed Applicant’s invention as whole. Applicant’s invention is patentably distinct under 37 CFR 1.111(b) and allowable over Britt.

In addition, with regard to the element “triggering a third query from the central node to the number portability database for the routing information if the second query fails to provide the routing.”

As stated in Slutsman, this is done by a receiving office. As quoted by the Examiner "FIG. 3 illustrates the circumstance where the calling party A, being serviced by its local service provider can call the (ported) called party B *with LRN response information being available to the end office of the LSP 1*. More specifically, calling party A dials the ported number, here 212-984-3001. The *end office 110* receives the number and detects that 212-984 is a portable NPA-NXX and that the call is interswitch, i.e., end office 110 does not "serve" called party B. The end office then does two things. It launches a query to number portability database 140 via Signaling Transfer Point (STP) 130. The end office also checks cache 100 to determine whether it contains location routing number response information corresponding to the dialed number. In this call processing sequence, the cache does include the LRN response information including the LRN of 212-484-9999. Thus, *the end office 110 places the LRN in the called party IAM parameter and places the dialed number in the generic address parameter*. A query bit indicator, bit N of the FCI is also set in the IAM message to indicate that the LRN response information has not come from the number portability database. *The end office then routes the call via tandem switch 120 to the end office 150 of LSP 3* identified by the LRN from the cache. *The LSP 3 end office then recognizes its own LRN in the CdPN parameter, obtains the dialed number from the generic address parameter, and completes the call to station B*. In this configuration then, in comparison to the known LRN mechanism described above, a cache memory is provided in association with the end office 100 and is checked to determine if call routing can be done before receiving the LRN response information from the NP database." Applicant's claims do not require two offices routing numbers between the offices. *In fact, Applicant has amended the claim to clarify that this is a completely automated process. In addition, the transfer of number is occurring not only between two different networks, but two different technologies.* However, as stated previously, the examiner has not viewed Applicant's invention as whole. Applicant's invention is patentably distinct under 37 CFR 1.111(b) and allowable over Slutsman.

Finally, the Examiner states that "two different technologies" is disclosed by Mazzarella. This is not so. The portion quoted by the Examiner states "Furthermore, the coordination of these five events is complicated by the fact that the disparate elements are owned and operated by

different entities. For example, the old wireless service provider owns and operates its NPDB and HLR, the new wireless service provider owns and operates its NPDB and HLR, and the subscriber owns and operates the mobile station. Therefore, as described in detail below the method according to the present invention enables a subscriber's mobile directory number to be ported from an old wireless service provider to a new wireless service provider with a minimum interruption to the subscriber's wireless communication service. FIG. 1 illustrates the communication between a mobile station 10, an old service provider 20, a new service provider 30, and a wireless number portability administration system 40 (also called a number portability administration center) according to the subscriber initiated number portability method of the present invention. As shown, a subscriber initiates a call via his mobile station 10 to a new service provider 30. *The call requests that the new service provider 30 become the subscriber's service provider and that the mobile directory number MDN of the mobile station 10 be ported from the current, but soon to be old, service provider 20 to the new service provider 30. Because the old service provider 20 is still the current service provider, the old service provider receives the porting request call. The porting request call also includes the MSIN of the mobile station and/or the electronic serial number (ESN) of the mobile station, and the security information known to the old service provider 20.* The security information could be, for example, a personal identification number assigned to the subscriber by the old service provider 20, but is not limited in any fashion to this example. Also, the security information is added to the call by, for example, the subscriber via key input on the mobile station 10, but is not limited in any fashion to this example." *This disclosure merely describes the change-over from one wireless network to another not a method and system for minimizing call setup delay for calls occurring in one or more wireless networks.* Applicant's invention as claimed states "An automated method for minimizing call setup delay for a call in a plurality of communication networks having different wireless networks having different wireless technologies associated with the respective networks, wherein the plurality of communication networks includes a central node connected to a number portability database." Mazzearella does not disclose the claim elements as taught by Applicant. As such, as stated previously, the examiner has not viewed Applicant's invention as

whole. Applicant's invention is patentably distinct under 37 CFR 1.111(b) and allowable over Mazzarella.

As stated by the Supreme Court in *KSR International Co* "As is clear from cases such as *Adams*, a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. ***This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.***" *KSR International Co. v Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1397 (2007)(Emphasis added). The Examiner has gathered references from similar fields of endeavor to try to duplicate Applicant's claimed invention. However, as stated previously, the examiner has not viewed Applicant's invention as whole. Applicant's invention is patentably distinct under 37 CFR 1.111(b) and allowable over Britt, Slutsmann and Mazzarella.

However, purely in the interest of expediting the prosecution of the instant invention, Applicant has amended independent claims 1 and 19 include substantially the following limitations:

An automated method for minimizing call setup delay for a call in a plurality of communication networks having different wireless networks having different wireless technologies associated with the respective networks, wherein the plurality of communication networks includes a central node connected to a number portability database, the method comprising:
triggering a first query to the central node for information for routing the call when a request for setting up the call is received by a switching unit, wherein a plurality of tables are available to the central node to respond to the query, if appropriate, and route the call;
triggering a second query from the central node to a home location register for the routing information in order to set up the call; and

triggering a third query from the central node to the number portability database, wherein the number portability database contains a database containing information on each of the wireless networks having different technologies needed for a call set-up procedure, for the routing information if the second query fails to provide the routing.

Support for such limitations can be found at least on pages [0067] through [0076] of the instant invention. Neither Britt, Slutsman nor Mazzarella teach or suggest such limitations. As such, Applicant believes that claims 1 and 19 are in condition for allowance and respectfully requests they and all claims depending therefrom be passed to allowance.

As such, it is believed that the Application in condition for allowance; therefore, Applicant respectfully requests withdrawal of the Examiner's rejection of the claims as set forth in the Office Action, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,

/Raffi Gostanian/

Dated: May 11, 2009

Raffi Gostanian
Reg. No. 42,595

972.849.1310